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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

In re:	) No. 19-30088 (DM)
	) Chapter 11
PG&E CORPORATION,)
- and -	) RESPONSE TO REORGANIZED
	) DEBTORS' FORTIETH OMNIBUS
PACIFICA GAS AND ELECTRIC COMPANY,	) OBJECTION TO CLAIM
	) Date: December 15, 2020
Debtors.	) Time: 10:00 a.m.
	) United States Bankruptcy Court
	) Courtroom 17, 16 th Floor
	) 450 Golden Gate Avenue
Affects both Debtors	) San Francisco CA 94102
)
)

A. Name of Creditor(s): Bruce E. Krell, individually and as counsel for the Whitehall Lane Creditors, St. Helena, California (County of Napa).

1455 S. Whitehall Lane, St. Helena CA 94574; 1457 S. Whitehall Lane, Saint Helena CA 94574; 1459 S. Whitehall Lane, St. Helena CA 94574; and, 1453 S. Whitehall Lane, St. Helena CA 94574.

Assigned number of Proof of Claim: 1077 (original claim number A18127542).

The \$10,395 claimed is the amount of damage caused by the Debtor's sub-contractor on December 3, 2018, to a gate on a private road.

B. Concise Statement of Reasons for Over-Ruling Debtors' Objections:

The sub-contractor, Pinnacle Power, was retained by Debtors (PG&E). Creditors (Claimants) did not select the sub-contractor and were never in privity, contractual or otherwise, with Pinnacle Power. Pinnacle Power was Debtors' agent at all relevant times.

On December 3, 2018, a vehicle (large work-truck) owned and operated by Debtors' sub-contractor(Pinnacle Power) hit and destroyed the entry gate on Whitehall Lane. Whitehall Lane is a private road, and maintenance of the road and gate are not the responsibility of the City of St. Helena or County of Napa.

The damage to the destroyed gate matches the damage to the truck owned and operated by Objectors' (Debtors') sub-contractor.

The amount to replace the destroyed gate is \$10,395. A true and correct copy of the estimate issued December 13, 2018, by St. Helena Development is attached.

Objectors have not contested the amount claimed. Objectors have not contested the need to replace the gate. Objectors have not disputed that the damage was caused by Pinnacle Power, which was working near the gate at the request of Objectors (PG&E) on the date in question. Objectors have not contested any of the underlying facts.

California law is clear: Even where PG&E did nothing wrong and was not negligent itself, if its agent was negligent or acting wrongful and a party is injured, PG&E is liable.

California Civil Code Section 2338: "A principal is responsible to third persons for the negligence of his agent in the transaction of the business of the agency, including wrongful acts committed by such agent in and as a part of the transaction of such business, and for his willful omission to fulfill the obligations of the principal." *See also Carr v. Wm. C. Crowell Co.* (1946) 28 Cal. 2d 652, 654 ("It is settled that an employer is liable for willful and malicious torts of his employee committed in the scope of the employment.").

"Agency is the relation that results from the act of one person, called the principal, who authorizes another, called the agent, to conduct one or more transactions with one or more third persons and to exercise a degree of discretion in effecting the purpose of the principal." *L. Byron*

1 *Culver & Associates v. Jaoudi Industrial & Trading Corp.* (1991) 1 Cal.App.4th 300, 304.

2 Creditors (Claimants) did not retain Pinnacle Power. Pinnacle Power was retained by
3 Debtors-Objectors (PG&E) to complete work on Whitehall Lane.

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5 **C. Declaration:**

6 I, Bruce E. Krell, hereby declare under penalty of perjury and under the laws of the State of
7 California that the above is true and correct.

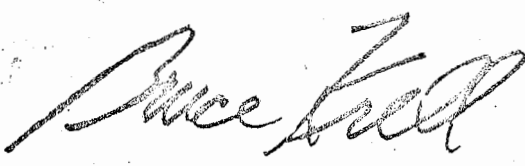
8
9 Date: November 30, 2020


Bruce E. Krell
Individually as Creditor and as counsel
Whitehall Lane Creditors

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13 **D. Name and Address:** Bruce E. Krell, Law Offices of Bruce E. Krell, 345 Grove Street, 1st
14 Floor, San Francisco CA 94102. 415-861-4414.

15
16 **E. Name and Address of Person With Authority:** Bruce E. Krell, Law Offices of Bruce E.
17 Krell, 345 Grove Street, 1st Floor, San Francisco CA 94102. 415-861-4414.
18 grovelaw@mindspring.com

19
20
21 Date: November 30, 2020


Bruce E. Krell
Individually as Creditor and as counsel
Whitehall Lane Creditors

CERTIFICATE OF SERVICE

At the time of service, I was over the age of 18 years and not a party to this action. My business address was 345 Grove Street, First Floor, San Francisco California 94102. On November 30, 2020, I served the following document(s):

RESPONSE TO REORGANIZED DEBTORS' FORTIETH OMNIBUS OBJECTION TO CLAIM

I certify that all parties hereto shall be, and are hereby, served on counsel of record, as indicated below,

through e-mail at the address designated below, as required by the Court under Rules of Court and Court Order,
~~through the United States Postal Service, with postage pre-paid thereon, and addressed as shown below, and~~
through e-mail, pursuant to request/agreement of counsel, as follows:

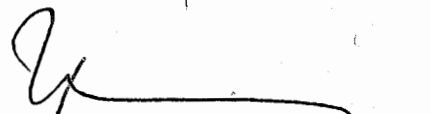
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(Counsel for Debtors)

I hereby declare under penalty of perjury and under the laws of the State of California that the above is true and correct.

Date: November 30, 2020


By: R. Robinson